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New York

President: Mr. Insanally ..... (Guyana)

The meeting was called to order at 11 a.m.

Tribute to the memory of the late President of the Republic of Burundi, His Excellency Mr. Cyprien Ntaryamira; the late President of the Rwandese Republic, His Excellency Major-General Juvénal Habyarimana; and former President of the International Court of Justice, His Excellency the late Mr. Eduardo Jiménez de Aréchaga of Uruguay

The President: Before we consider the items on the agenda for this morning, the General Assembly will pay tribute to the memory of the late President of the Republic of Burundi, His Excellency Mr. Cyprien Ntaryamira, and the late President of the Rwandese Republic, His Excellency Major-General Juvénal Habyarimana.

I have the sad duty today of presiding over a tribute of condolences to yet another President of Burundi. It was only on 29 October 1993 that we convened to pay our respects to President Melchior Ndadaye, who was assassinated shortly after his election to office. We meet on this occasion to honour President Cyprien Ntaryamira, who died tragically in his quest to bring peace and reconciliation to his native land. On behalf of the General Assembly, I should like to extend our deepest sympathy to the Government and people of Burundi and to the bereaved family in their tragic loss.

On behalf of the General Assembly, I should also like to offer our sincere condolences to the Government and people of Rwanda and to the bereaved family on the tragic death of His Excellency Major-General Juvénal Habyarimana, President of the Rwandese Republic. I had the honour of meeting President Habyarimana last October, when he addressed the Assembly to call for a return to stability in Rwanda. Sadly, his mission of peace has now been tragically aborted.

It is my hope that the lives of these two leaders will not have been sacrificed in vain, and that the international community will do all in its power to assist both Burundi and Rwanda to resolve the situation of fratricidal conflict which threatens to bring further chaos, bloodshed and suffering to those two nations.

The Assembly will also pay tribute to the memory of a former President of the International Court of Justice, His Excellency the late Mr. Eduardo Jiménez de Aréchaga. A prominent judge, teacher and public personality of Uruguay and the Americas, Mr. Jiménez de Aréchaga had also been Under-Secretary for Foreign Affairs of Uruguay.

I should like to ask the delegation of Uruguay to accept and to transmit to the Government of Uruguay and to Mr. Jiménez de Aréchaga's bereaved family our expression of sympathy at this sad loss.

I invite representatives to stand and observe a minute of silence in tribute to their memory.

The members of the General Assembly observed a minute of silence.

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The President: I now call on the representative of Cameroon, who will speak on behalf of the African States.

Mr. Biloa Tang (Cameroon) (*interpretation from French*): Rwanda and, once again, Burundi have suffered a blow by the passing away of their Heads of State under tragic and painful circumstances. On this sad occasion, I would like, on behalf of the African Group and on my own behalf, to pay tribute to these distinguished victims and to express our most heartfelt and sincere condolences to the bereaved families and to the authorities and fraternal peoples of these two countries.

We have the same feelings about the victims of the violence linked to the painful developments in the region, which have brought enormous destruction and considerable material losses.

We believe that above all it is now urgently necessary to restore peace, stability and security to Rwanda and Burundi. It is in this sense that one should understand the positions adopted by the African Group at the emergency meeting held here in New York on 11 April. The Group basically appealed for an immediate cease-fire, the cantonment of troops at the positions they held before the outbreak of the current hostilities and the cessation of the insane violence that has overtaken Rwanda. The international community must also take urgent action to protect the lives and possessions of Rwandese and other civilians. In this context, it seems to us that the United Nations Assistance Mission for Rwanda (UNAMIR) should be strengthened.

Likewise, with a view to facilitating the restoration of peace, the Arusha Peace Accord should be given every chance to be fully implemented. Furthermore, appropriate international humanitarian assistance should be mobilized for Rwanda and Burundi.

The international community must therefore respond to the hopes and urgent needs of Rwanda and Burundi at this time of severe tribulation, thus demonstrating that the people of Rwanda and Burundi will not be left on their own. We believe that together we can meet these challenges.

Finally, I pay a heartfelt tribute, and express our condolences, on the occasion of the passing away of Mr. Eduardo Jiménez de Aréchaga of Uruguay. We offer our sincere condolences to his family and the bereaved people and Government of Uruguay. We hope that the contribution made by Mr. Jiménez de Aréchaga to the development of international law will last and be built upon.

The President: I now call on the representative of Mongolia, who will speak on behalf of the Asian States.

Mr. Erdenechuluun (Mongolia): It is with a sense of profound sorrow and pain that I speak today as Chairman of the Group of Asian States Members of the United Nations.

On behalf of the members of the Asian Group, I extend our deepest condolences to the Governments and peoples of Burundi and Rwanda upon the tragic deaths of President Cyprien Ntaryamira and President Juvénal Habyarimana. Our condolences and sympathy also go to the families of the Presidents and of those others who were victims of the terrible crash.

Here we cannot but condemn the acts of violence and attacks on the members of the United Nations Assistance Mission for Rwanda (UNAMIR), which resulted in the deaths of 10 Belgian peace-keepers. We bow our heads before these courageous people who died in the line of duty.

The late Presidents paid the ultimate price for the peace and unity of their peoples and countries. Let us hope that these tragic losses will again expose the absurdity of the civil conflict and war, and will serve to further promote national and international efforts to halt the violence and bring peace and national reconciliation to the people of Burundi and Rwanda, who are suffering so much.

May I, on behalf of the Asian Group, extend our sincere condolences upon the sudden death of Mr. Eduardo Jiménez de Aréchaga to the Government of Uruguay and the bereaved family. Former President of the International Court of Justice, Under-Secretary for Foreign Affairs of Uruguay, prominent judge, teacher and public personality of Uruguay and the Americas, Mr. Jiménez de Aréchaga made his own important contribution to the development of international relations and left a distinctive mark and legacy in the practice and theory of international law. He will be remembered and respected as a dedicated teacher whose students will now carry his baton by continuing his work.

The President: I now call on the representative of Armenia, who will speak on behalf of the Eastern European States.

Mr. Arzoumanian (Armenia): The member States of the Eastern European Group are deeply saddened by the tragic news of the untimely deaths of the Heads of State of two African countries, President Juvénal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi.

It is all the more tragic that their deaths occurred on their way from Dar es Salaam, where African leaders had gathered to further the peace process. Presidents Juvénal Habyarimana of Rwanda and Cyprien Ntaryamira of Burundi deserve a high tribute for their dedication and their contribution to the cause of peace and national reconciliation.

In this hour of grief in Rwanda and Burundi, we, the members of the Group of Eastern European States, extend our deepest sympathy and sincere condolences to the peoples of Rwanda and Burundi and to the bereaved families.

It is yet another sad duty to express, on behalf of the member States of the Eastern European Group, our heartfelt condolences and sympathy to the Government and the people of Uruguay and to the bereaved family on the sudden death of Mr. Eduardo Jiménez de Aréchaga, former President of the International Court of Justice and Under-Secretary for Foreign Affairs of Uruguay.

The members of the Eastern European Group share the profound sorrow of the Government of Uruguay in connection with the loss of this significant political figure and public personality of the highest calibre, and we deeply appreciate Mr. Eduardo Jiménez de Aréchaga's important contribution to the elaboration of international law throughout his career.

The President: I now call on the representative of Haiti, who will speak on behalf of the Latin American and Caribbean States.

Mr. Longchamp (Haiti) *(interpretation from French)*: Fatal accidents are a sad part of the reality of life. None the less, the international community was moved to learn on 6 April of the incident in Rwanda that cost the lives of two Heads of State of the region: the President of the Republic of Burundi, His Excellency Mr. Cyprien Ntaryamira, and the President of the Rwandese Republic, His Excellency Major-General Juvénal Habyarimana.

We had hardly swallowed this bitter pill when we learned of many acts of violence that followed this accident and that resulted in the cruel and brutal deaths of so many others: the Prime Minister of Rwanda, the Minister of Information, the Minister of Agriculture, the Minister of Labour and Social Affairs and the President of the Constitutional Court, not to mention soldiers of the Belgian battalion, Jesuit priests and thousands of civilians.

It is ironic that these mass killings took place at a time when the Heads of State of these two brotherly countries had been making unprecedented efforts to rid their societies of the use of force as a means of resolving conflicts and to restore peace in their countries.

I wish, on behalf of the member States of the Latin American and Caribbean Group, which I have the honour to represent this month, to express sincere condolences to the Governments and peoples of Burundi and Rwanda and to the thousands of women and children affected.

On behalf of the Group I also urgently appeal to the international community to use all possible means to help restore peace in those two countries, thus sparing the neighbouring countries - already beset by many problems - the burden of having to deal with the pressing needs of refugees. We hope those peoples will find the security and confidence to tackle undisturbed the arduous struggle for development.

On almost the same date the Government and people of Uruguay mourned the passing of Mr. Eduardo Jiménez de Aréchaga, Under-Secretary of State for Foreign Affairs of Uruguay and former President of the International Court of Justice. On behalf of the Group, I take this opportunity to express our sympathy to all those grieving this sad loss.

The President: I now call on the representative of Turkey, who will speak on behalf of the Western European and Other States.

Mr. Güven (Turkey): It was with profound sorrow that the Group learned of the tragic deaths of His Excellency Mr. Juvénal Habyarimana, President of the Rwandese Republic, and His Excellency Mr. Cyprien Ntaryamira, President of the Republic of Burundi, in an air crash on their way back from a summit meeting in Tanzania held for the purpose of re-establishing peace and security in their region. With feelings of deep grief, we wish to pay tribute to the memories of both Presidents. Both these eminent statesmen of highly distinguished qualities were

recognized and respected by the international community for their dedication and devotion to the cause of peace in their countries, as well as in Central Africa, and they lost their lives in the pursuit of that ideal.

We deeply regret that thousands of civilian lives have been lost and that there have been casualties among personnel of the United Nations Assistance Mission for Rwanda (UNAMIR) personnel, there with the aim of implementing the Arusha Peace Agreement. We express our hope for an immediate return to normality in that region.

It is also with deep sorrow that we have been informed of the sudden demise of Mr. Eduardo Jiménez de Aréchaga, former President of the International Court of Justice. We express our utmost regret at the loss of such a prominent judge, statesman, teacher and public personality of the American continent.

I should like to conclude by expressing our Group's sincere and heartfelt condolences and feelings of sympathy to the Governments and the peoples of both the Rwandese Republic and the Republic of Burundi, to the bereaved families of the late President Habyarimana and the late President Ntaryamira, to the family of Mr. Jiménez de Aréchaga and to the families of the United Nations personnel.

The President: I now call on the representative of the United States of America, who will speak for the host country.

Mr. Inderfurth (United States of America): The United States Government is deeply saddened by the untimely and unfortunate deaths of President Habyarimana of Rwanda and President Ntaryamira of Burundi. That the attack on the lives of these two men should have occurred as they returned from a regional summit in Dar es Salaam, where they were attempting to devise a strategy to bring peace to that troubled region of the world, is doubly saddening.

The ensuing conflagration in Rwanda magnifies this tragedy. Thousands have died, including United Nations peace-keepers. We pray that the killing will stop. We appeal to all warring factions in Rwanda to put an end to the spiral of violence and return to the peace process. We commend the citizens and leadership of neighbouring Burundi for the restraint they have shown in the face of these events and urge them to continue peacefully with their plans to hold elections shortly for a new President.

On behalf of the Government of the United States, I wish to express profound condolences to the Governments of Rwanda and Burundi and to the families of the two fallen Presidents.

We also note with sadness the loss of a distinguished international jurist and former President of the International Court of Justice, Eduardo Jiménez de Aréchaga of Uruguay. The judge's association with the United Nations and other international organizations spanned four decades, from 1948 to 1988. To those who knew him personally he was a warm and generous colleague. To others he is remembered as a jurist and scholar who greatly enriched the law. We extend sincere condolences to the Government of Uruguay and to the family of this esteemed jurist.

The President: I now call on the representative of Burundi to speak in response.

Mr. Sinunguruza (Burundi) *(interpretation from French)*: His Excellency Mr. Cyprien Ntaryamira was the second President of Burundi to die within the past six months. One can imagine the total dismay of the people of Burundi when it learned on Wednesday, 6 April 1994, of his tragic death only two months after he took office. The blow was all the greater in that this new cause for mourning compounds that which the people of Burundi had been suffering since October following the assassination of its first democratically elected President, His Excellency Melchior Ndadaye, and the death of thousands of innocent victims of the interethnic massacres that ensued.

From this rostrum, members have just paid their last tributes to our illustrious deceased President. I wish to thank them all sincerely. In my turn, I should like to take up that task. We wish first to offer our sincere condolences to the brotherly people of Rwanda, which has experienced the same tragedy as the people of Burundi. We hope that the violence it is currently suffering will come to a rapid end so that the Rwandese people can return to dialogue.

To the brotherly people of Uruguay, we also offer our heartfelt condolences. We also offer our deepest sympathies to the United Nations, which is mourning the deaths of Belgian peace-keepers.

Finally, I should like personally and on behalf of the people, Government and delegation of Burundi, to thank all those who, since the beginning of the tragedies that

have repeatedly struck my country, have shown us tokens of their sympathy and have encouraged us to rise above and bear with dignity the harsh trials that have befallen us twice in less than six months.

I wish to thank in particular all those who, from this rostrum, have just spoken on behalf of their Governments and regional organizations for their expressions of sympathy and support for the people and Government of Burundi. I also thank the Security Council which, through its President, Mr. Colin Keating, conveyed its sincere condolences to the people of Burundi on the very day of the accident.

With the support of the international community, we are certain that the people of Burundi, which mourns its President in dignity, cannot fail to overcome these difficulties or to pursue the course of peace and reconciliation which Mr. Ntaryamira set in motion during the two months of his presidency.

His Excellency Cyprien Ntaryamira gave his life for his country. Trained as an agronomist, he threw himself body and soul into the promotion of agriculture in the countryside, a sector which comprises 80 per cent of the population of Burundi. Following the first democratic elections in Burundi, which took place in June 1993, he was put in charge of the important Ministry of Agriculture and Livestock.

In October 1993, the impetus towards democracy was checked by the assassination of His Excellency Mr. Melchior Ndadaye and by the interethnic massacres that followed. A lengthy crisis ensued. After an intensive effort involving the Government, the established political parties and the country's political and moral leaders, a consensus emerged that the person capable of restoring calm and peace was His Excellency Cyprien Ntaryamira.

His level-headedness, his integrity, his insight and his strong sense of the national interest are qualities that made him sought after by political and moral leaders as the one person able to achieve calm and consensus. He was the embodiment of hope for everyone in Burundi, particularly that broad sector of the population which makes its living in agriculture and which identified with this agronomist, whose competence and experience made him eminently qualified to resolve Burundi's agricultural land management problems.

In his inaugural speech of 5 February 1994, he unveiled in plain language his vision for a unitary society:

> "In our plan for society, we demand and we teach respect for human rights. Be he Hutu, Tutsi or Twa, the citizen of Burundi, his loved ones and his property must be respected.
>
> "No ethnic group is to be exterminated or crushed. No ethnic group is better than another and all people of Burundi are equal before God and the law. Our goal is to restore Burundi on the road of understanding. The people of Burundi must trust and respect one another. They must unite in a climate of peace and trust to rebuild what has been destroyed."

Unfortunately, hope was short-lived. Returning from Dar es Salaam, where he had been discussing with fellow leaders of the region the priority issues on his agenda for peace and security in Burundi and Rwanda, His Excellency Cyprien Ntaryamira was aboard the Rwandan presidential plane. On its approach to Kigali airport in Rwanda, the aircraft crashed. All the occupants lost their lives. Those from Burundi included His Excellency Mr. Cyprien Ntaryamira, President of the Republic; Mr. Bernard Ciza, Minister for Development Planning and Reconstruction; and Mr. Cyriaque Simbizi, Minister for Communications and Spokesperson for the Government.

Upon announcement of our President's death, a group of high-ranking governmental authorities was empanelled to monitor and defuse any unrest linked to the tragic event. I am very happy to report that the situation today is calm throughout the country thanks to the broadcasting of messages of peace and visits among the populace by members of the Government and the National Assembly.

I have taken note of the congratulations of Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations, to the people of Burundi, who, in his words, "have responded to the tragedy with exemplary forbearance and restraint".

I take this occasion to reiterate our thanks to the United Nations for all the support it has given Burundi since the beginning of the crisis. We ask the Organization to continue supporting us in our efforts to maintain peace and national reconciliation in Burundi, particularly now that remaining internal difficulties stemming from the crisis of October 1993 are compounded by the need to support Rwandese refugees on our soil.

I can assure you, Mr. President, that my Government wishes to restore the institution of the presidency quickly in order to avoid a lengthy power vacuum at the very apex of the State. In the mean time, the Constitutional Court has already indicated that the office of President is vacant, and the President of the National Assembly is now acting as a caretaker President.

In conclusion, I should like once again to reiterate my thanks, and to assure you that my Government will always give pride of place to the principle of concertation in all the steps it takes along the road towards reconciliation for the people of Burundi.

Mr. Bizimana (Rwanda) *(interpretation from French):* I should like, on this sad occasion, on behalf of the people of Rwanda, to say how touched we are by the warm tributes paid to our sorely missed President, His Excellency Major-General Juvénal Habyarimana, who died on 6 April at the age of 57 after an attack on the plane bringing him back from the regional summit meeting at Dar es Salaam, in Tanzania, on the efforts to restore peace in Rwanda and in Burundi.

My delegation would like to express its heartfelt thanks for all the expressions of condolence and the statements of encouragement and sympathy that have been conveyed to us by you, Mr. President, the Secretary-General, Mr. Boutros Boutros-Ghali, the heads of the main bodies in the United Nations system, the Chairmen of the United Nations regional Groups and the delegation of the host country, the United States of America. I shall convey those condolences to the family of our late lamented President and to the Rwandese Government and people.

We also with great sadness pay tribute to the memory of the late President of Burundi, His Excellency Mr. Cyprien Ntaryamira, who was himself killed in the assassination of the Rwandese Head of State. We reiterate here to the delegation of Burundi our feelings of solidarity and ask it to be so good as to convey our sincere condolences to the family of His Excellency President Ntaryamira and to the Government of fraternal people of Burundi.

The assassination of the Rwandese Head of State has hit us hard, and causes the people of Rwanda great sadness. His loss deprives the Rwandese people of a man of consensus who, throughout his career - as Chief of Staff of the National Guard from 1 July 1963, Minister for the National Guard and Police since 1965 and President of the Republic since 5 July 1973 - served his country with devotion and selflessness. His love for his country and his people is expressed in his devotion and in his constant commitment to the ideal of unity and harmony in the national effort for development and social well-being.

Abroad, President Habyarimana always promoted and showed his faith in African unity as an essential element for Africa's social and economic progress. At the international level, I shall refer only to his last speech in praise of our Organization, which he delivered on 6 October last, when in this Assembly, from this very rostrum, he paid a sincere tribute to our international Organization for all the activities undertaken, carried out with skill, designed to restore peace in regions and countries devastated by war, to prevent other conflicts and assist disadvantaged peoples or those sorely tried by disasters of all types. He made it clear that although the means at our Organization's disposal are limited the Organization is the last hope of the peoples. He went on to reaffirm Rwanda's unfailing determination to work for the advent of peace in the world and understanding between nations. President Habyarimana was always inspired by the ideals underlying the creation of the United Nations and worked tirelessly to promote them.

I pray that the solemn tributes paid today to the memory and the remarkable qualities as a politician of the Rwandese Head of State, assassinated while serving the cause of peace, will be accompanied by an active determination on the part of the international community to take forceful steps in the cause of peace in Rwanda, where the human tragedy, the violence and the hostilities are taking a great toll and are where thousands of people are left in desolation awaiting humanitarian assistance of many kinds.

Mrs. Flores (Uruguay) *(interpretation from Spanish):* My delegation wishes to express its profound grief at the tragic deaths of His Excellency Mr. Cyprien Ntaryamira, President of the Republic of Burundi, and of His Excellency Major-General Juvénal Habyarimana, President of the Rwandese Republic, and to convey our grief to the peoples and Governments of the two countries.

The delegation of Uruguay also wishes to express its deep gratitude for the expressions of solidarity from various delegations on the sad loss of the well-known international jurist Mr. Eduardo Jiménez de Aréchaga. He was an outstanding personality in many fields of human activity.

He began his teaching career as Professor of International Law at Montevideo University, where he acquired an international reputation and became one of the most outstanding examples of Latin American learning. In over 20 years as a professor, he passed on his knowledge in an outstanding way and trained generations of students and teachers who recognized him indisputably as their mentor. His thinking is reflected in many written works, of which the "*Derecho Constitucional de las Naciones Unidas*", which combines academic rigour and political realism in an exemplary manner, is particularly noteworthy.

International law, in his view, had a twofold objective: to achieve change in the order and order in the change. He felt that international law was called upon to fulfil a dynamic function as an instrument of change based on the interdependence that now exists between States.

His experience in the United Nations was complemented by his experience as a member for many years of the International Law Commission, whose President he became in 1963. As a representative of Uruguay to the two United Nations Conferences on the Law of Treaties, he was elected Rapporteur in 1968 and 1969.

His extensive international career culminated in his election as Judge and President of the International Court of Justice. It was during his years in those offices that the review of the Court's rules of procedure took place.

His well-balanced and innovative thinking was reflected in his subsequent activities as a member of arbitration panels. Indeed, arbitration law has been enriched with new theories such as "constructive compensation for moral damage," which was reflected in the New York arbitration award. Innovative recommendations on his part for the solution of problems coming before him led to subsequent developments in international law.

In addition to his extensive career in the international sphere, he played an important role in Uruguay. Over the years, he held important posts in our country in various offices of State. All of this amply demonstrated his enormous capacity for work and his ability to adapt to the most varied circumstances.

Those of us who had the privilege of knowing Mr. Eduardo Jiménez de Aréchaga and of appreciating the many aspects of his personality can affirm that although he has physically left us, there can be no doubt that through his work, and especially through the humanism that characterized him, he will always be present for each and every one of us.

Introduction of reports of the Fifth Committee

The President: The Assembly will now consider the reports of the Fifth Committee on agenda items 17 (b), 133, 136 and 159. I request the Rapporteur of the Fifth Committee to introduce the reports in a single intervention.

Mr. Kabir (Bangladesh), Rapporteur of the Fifth Committee: I have the honour to present to the General Assembly the reports of the Fifth Committee on agenda item 17 (b) and the remaining outstanding issues related to the financing of peace-keeping operations.

On agenda item 17 (b), entitled "Appointment of members of the Committee on Contributions", part II of the report of the Fifth Committee is contained in document A/48/693/Add.1.

In paragraph 4 of that report, the Committee recommended to the General Assembly the appointment of Mr. Uldis Blukis of Latvia to fill the unexpired portion left vacant by the resignation of Mr. Imre Karbuczky of Hungary - that is, until 31 December 1994. The Committee recommended by acclamation the appointment of Mr. Blukis.

Concerning agenda item 133, entitled "Financing of the United Nations Mission for the Referendum in Western Sahara", part II of the report of the Fifth Committee is contained in document A/48/816/Add.1. In paragraph 10 of that report the Fifth Committee recommended to the General Assembly the adoption of draft resolution A/C.5/48/L.62, as orally revised, which was adopted by the Committee without a vote.

On agenda item 159, entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991", part II of the report of the Fifth Committee is contained in document A/48/802/Add.1. In paragraph 6 of that report the Committee recommends to the General Assembly the adoption of draft resolution A/C.5/48/L.61, which was adopted by the Committee without a vote.

On agenda item 136, entitled "Financing of the United Nations Protection Force", part IV of the report of the Fifth Committee is contained in document A/48/819/Add.3. In paragraph 6 of that report the Committee recommends to the General Assembly the adoption of a draft decision submitted orally by the Chairman, which was adopted by the Committee without a vote.

Those draft resolutions and decisions were adopted by the Committee by consensus at its 61st meeting on 8 April 1994.

The President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee which are before the Assembly today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote or position.

The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records. May I remind members that under paragraph 7 of decision 34/401, the General Assembly agreed that:

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I also remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we shall proceed to take decisions in the same manner as was done in the Committee.

Agenda item 17 ***(continued)***

Appointments to fill vacancies in subsidiary organs and other appointments

(b) Appointment of members of the Committee on Contributions: report of the Fifth Committee (Part II) (A/48/693/Add.1)

The President: In paragraph 4 of its report the Fifth Committee recommends that the Assembly should appoint Mr. Uldis Blukis as a member of the Committee on Contributions for a term of office beginning on 14 April 1994 and ending on 31 December 1994.

May I take it that it is the wish of the Assembly to appoint the person recommended?

It was so decided.

The President: May I also take it that it is the wish of the General Assembly to conclude its consideration of agenda item 17 (b)?

It was so decided.

Agenda item 133 ***(continued)***

Financing of the United Nations Mission for the Referendum in Western Sahara: report of the Fifth Committee (Part II) (A/48/816/Add.1)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 10 of part II of its report.

The draft resolution was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 48/250).

The President: We have thus concluded this stage of our consideration of agenda item 133.

Agenda item 136 ***(continued)***

Financing of the United Nations Protection Force: report of the Fifth Committee (Part IV) (A/48/819/Add.3)

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 6 of part IV of its report.

That draft decision was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do the same?

The draft decision was adopted.

The President: We have thus concluded this stage of our consideration of agenda item 136.

Agenda item 159 ***(continued)***

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991: report of the Fifth Committee (Part II) (A/48/802/Add.1)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of part II of its report.

The draft resolution was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/251).

The President: I shall now call on those representatives who wish to explain their position on the resolution that has just been adopted.

Mr. Inderfurth (United States of America): My Government welcomes the recommendation of the Fifth Committee authorizing the Secretary-General to commit up to $11 million in funds for the war crimes Tribunal for the former Yugoslavia this calendar year. It is our understanding that this amount, when combined with voluntary contributions, should provide adequate funding for the Tribunal to operate effectively.

The United States places a very high priority on the work of the war crimes Tribunal. We urge Member States to support it and cooperate with it in every way possible. My own Government is making a voluntary cash contribution of $3 million. We are providing millions of dollars' worth of goods and services. We have provided hundreds of refugee interview reports, and we will cooperate fully in seeing that the legal mandate of the Tribunal is fulfilled.

I want to acknowledge the efforts of other Governments as well. I note particularly that the Netherlands has been helpful in providing a seat for the Tribunal at The Hague. The Government of Pakistan has made a $1 million voluntary contribution. Germany and Denmark have apprehended individuals suspected of committing war crimes in Bosnia, and numerous Governments have played a constructive role in the effort to recruit outstanding individuals as judges and prosecutors.

The United States believes the war crimes Tribunal is important for five reasons.

First, the magnitude of the war crimes committed in the former Yugoslavia clearly merits an international legal response.

Secondly, the prospect of being punished for war crimes may cause some potential violators of human rights to refrain from future abuses. The very existence of the Tribunal may save lives and discourage further aggression.

Thirdly, the Tribunal will make it easier for the people of the former Yugoslavia to achieve a durable peace. Responsibility for the crimes committed there does not rest with the Serbs or Croats or Muslims as peoples; it rests with the individual people who ordered and committed the crimes. The wounds opened by war will heal much faster if collective guilt for atrocities is expunged and individual responsibility is assigned.

Fourthly, the Tribunal can be a deterrent to other potential aggressors around the world. In doing so, it serves the fundamental goal of the United Nations, which is to save humankind from the scourge of war.

Finally, the war crimes Tribunal can strengthen the fabric of international law. For example, it gives life to the principle that the laws of war should be applied irrespective of battlefield success. It reinforces the status

of rape during armed conflict as a violation of international humanitarian law. It recognizes that interference with the delivery of humanitarian aid is a war crime, something which has broad implications for future United Nations missions, and it clarifies that there is a corollary to the right to emigrate, and that is the right to remain, a right directly opposed to "ethnic cleansing".

These are key principles. Made concrete, they would shield the citizens not of one ethnic group in the former Yugoslavia, but of each, and they would provide an extra margin of security to us all. Clearly, the war crimes Tribunal will not revolutionize human behaviour. It will not stop all aggression. It will not end war crimes. It will not, even in the best case, ensure more than a measure of justice in the former Yugoslavia. But it will, at least, place the force and prestige of international law squarely on the side of the victims of this conflict. It will enhance the prospects for a durable peace. It will add a measure of caution to the scales and the minds of would be aggressors, and it will strengthen perceptively the foundations of civilized society in a perilously unstable world.

The United States urges all Members to support the war crimes Tribunal, financially and otherwise, and we look forward to working with other Members to make the Tribunal a success.

Mr. Zevelakis (Greece): I have the honour to speak on behalf of the European Union in explanation of position after the adoption of the resolution on agenda item 159, entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991".

The European Union has in various instances stressed the particular importance it attaches to the securing of a sound financial basis which will enable the International Tribunal to fulfil its mandate. We would like, therefore, to express our satisfaction at the adoption of the resolution by the General Assembly.

By the resolution just adopted, the General Assembly has provided the Secretary-General with the means to allow the Tribunal to operate; namely, it has authorized the Secretary-General to enter into commitments of up to $11 million for the period from 1 January to 31 December 1994, and to proceed with the signing of the lease for the premises of the Tribunal as well as with the employment of the necessary staff.

The European Union noted with satisfaction the statement made to the Fifth Committee by the Controller of the Organization, Mr. Yukio Takasu, who indicated the specific measures that the Secretary-General will take in implementing the resolution in order to respond speedily and effectively to the current needs of the Tribunal. We wish to refer to the entry into a four-year lease agreement and a one-year employment contract. In the same context, we especially welcome the information that the judges will be provided with basic remuneration on an annual basis for the period of their appointment.

We concur with the assessment that these measures will indeed provide an indispensable foundation for the operation of the Tribunal. Furthermore, it is our understanding that should any additional requirements arise before the submission of the performance report the Secretary-General will inform Member States accordingly.

We also recognize the cash flow concerns expressed by the Controller, and we would like to reiterate our readiness to accept an additional assessment for the financing of the Tribunal.

Despite the fact that the adoption of this resolution successfully meets the imminent needs of the financing of the Tribunal, it does not address all the aspects of the issue, leaving the question of the mode of financing to be settled at a later stage. It will be recalled that during the debate in the Fifth Committee the European Union stressed that the Tribunal should be financed as a section of the regular budget of the United Nations.

For the benefit of the continuation of the review of this item that the General Assembly will undertake, we avail ourselves of this opportunity to contribute the following elements to future discussions.

Being a jurisdictional mechanism, the Tribunal constitutes what is essentially considered to be a regular budget activity. We wish to emphasize, in this context, that the financing of the International Court of Justice - a jurisdictional mechanism *par excellence*, and indeed one competent for the settlement of disputes between States and thus directly related to issues pertaining to the maintenance of international peace and security - is financed by a section of the regular budget. Indeed, the financing of bodies entrusted with the administration of justice is the responsibility of all Member States alike. We therefore believe that the integration of the Tribunal into the regular budget is the appropriate course of

action, especially taking into account that other activities of the Organization related to peace and security are financed in that way.

As an additional point, addressing a shared concern of a number of Member States, the European Union wishes to reiterate that in providing resources for the Tribunal the General Assembly should not prejudice the funding of other regular budget activities and programmes.

In conclusion, we would like to underline that the resolution was adopted by consensus, in conformity with the procedure of the Fifth Committee, and we remain convinced that we will be able to arrive at a decision on the outstanding aspects of this issue in the same way.

Mr. Jadmani (Pakistan): I have the honour to speak on behalf of the members of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina in explanation of position after the adoption of the resolution.

The members of the Organization of the Islamic Conference (OIC) have consistently and strongly advocated the expeditious establishment and immediate commencement of the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. We attach great importance to the work of the Tribunal, through which the perpetrators of crimes against humanity would be brought to justice. The international community owes this debt to the innocent victims of torture, rape, pogroms and ethnic and religious cleansing. Needless to say, in order for the Tribunal to achieve this objective, it requires adequate resources and a sound financial basis.

The Tribunal was established in May 1993. However, after almost a year it remains hostage to the issue of finances. The General Assembly has not been able to agree on the mode of financing. As an interim measure, the Secretary-General is being granted commitment authority to make the necessary administrative arrangements for the functioning of the Tribunal. A decision has been postponed once again. We therefore remain gravely concerned by the continued deferral of a final decision on the mode of financing. A temporary solution through short-term decisions such as commitment authority does not meet the long-term requirements of the Tribunal.

As emphasized by the Assembly in its resolution 47/235 of 14 September 1993 and is reaffirmed in this resolution, the Tribunal should be financed through the assessed contributions. This is the only means by which its independence and impartiality can be guaranteed. The Assembly should decide on this question at the earliest possible moment. In this regard, the reports requested of the Secretary-General on the future needs of the Tribunal would amply facilitate the work of the Assembly.

We attach particular importance to paragraph 10 of the resolution, by which the Secretary-General has been authorized to make the necessary arrangements to ensure that the Tribunal continues with its ongoing work. We firmly believe that the work of the Tribunal should not be made hostage to the availability of resources; with the resources made available by the General Assembly, the Secretary-General should intensify his efforts to accelerate the work of the Tribunal so that the perpetrators of those crimes for which the Tribunal is established are brought to justice immediately.

Finally, the delegates of the OIC Contact Group joined the consensus on the resolution in the usual spirit of Fifth Committee work. However, we hope that the General Assembly will accord high priority to this important matter and take a decision in the spirit of consensus at the earliest possible moment.

Mr. Dankwa (Ghana): On behalf of the Ghana delegation, I have the honour to explain our position on the decision the Assembly has just taken on the resolution contained in document A/48/802/Add.1, of 12 April 1994, on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The Ghana delegation welcomes the adoption of the resolution without a vote as yet another expression of the commitment of the international community not only to restore peace and security in the territory of the former Yugoslavia, but also to guarantee the world against a recurrence of such unbridled violation of international humanitarian law, even in the event of a breakdown of law and order.

The Ghana delegation is, however, disappointed that objective realities did not make it possible for the Secretary-General to present justifiable estimates on the basis of which the General Assembly could have

determined, even in approximate terms, the administrative and budget requirements of the Tribunal. As a consequence, the Assembly has had no choice but to provide a commitment authority to enable the Secretary-General to take appropriate measures, particularly those with budgetary implications, for the functioning of the Tribunal from 1 January 1994 to 31 December 1994. It is the hope and expectation of the Ghana delegation that all efforts will be deployed by the Secretary-General to provide a complete, detailed budgetary estimate as early as possible, as requested by the resolution.

The Ghana delegation is gratified to note that the Secretary-General considers reasonable and adequate the amount of $11 million provided as the level of commitment authority. Our delegation is ready to work with other delegations to find solutions to whatever problems or difficulties may emerge in the course of the implementation of the resolution.

The crucial question of the mode of financing the operations of the Tribunal still remains unresolved. The Ghana delegation subscribes to the view that the Tribunal should, as a matter of principle, be financed under the provisions of Article 17 of the Charter. The expenses of the Tribunal should be borne by members as apportioned by the General Assembly. While voluntary contributions may come in handy and should not be discouraged, the Organization should ensure, as expressed in the resolution, that the acceptance of such voluntary contributions in cash, kind or personnel is consistent with the impartiality and independence required and expected of the Tribunal, and that such voluntary contributions are supplementary to the assessed contributions.

The Ghana delegation recognizes that the Tribunal was established under Chapter VII of the Charter, through Security Council resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993, for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Council upon the restoration of peace. We wish to stress the Tribunal's limited jurisdiction in terms of scope and place, as well as the general understanding of time limitation, and urge the Security Council to keep under constant review the operations of the Tribunal to ensure compliance with the terms of the resolutions.

The Ghana delegation also recalls that in resolution 808 (1993) the Security Council determined that the situation that necessitated the establishment of the Tribunal constituted a threat to international peace and security and that the establishment of the Tribunal would contribute to the restoration and maintenance of peace. Whatever nature is ascribed to the operations of the Tribunal, it is an indisputable fact that it was conceived and born in the context of Chapter VII of the Charter as a means of maintaining international peace and security. It was that, and that alone, that provided a jurisdictional basis for the action by the Security Council.

It is therefore the considered opinion of the Ghana delegation that, in accordance with the established practice of the United Nations, in order to meet the expenditures of the Tribunal through apportionment, as required under Article 17 of the Charter, we require a different procedure from the one applied to meet expenditures of the regular budget of the United Nations; that due account should be taken of the special responsibilities of certain Member States, as stated in General Assembly resolution 1874 (S-IV) of 27 June 1963; and that those countries in a position to make relatively larger contributions should be provided the opportunity to do so, while the relatively limited capacity of less developed countries should be recognized. A special account, therefore, has to be established for the finances of the Tribunal, and a special scale for peace-keeping or peace-maintenance operations should be applied.

The General Assembly should endeavour to eschew political expediency and uphold its own principles and practices to assure the international community that, in its efforts to construct a new order to replace the confrontational order, the relative jurisdictions of the various organs of the Organization and the underlying principles of the Charter will be respected.

The President: We have heard the last speaker on this matter.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 159?

It was so decided.

The meeting rose at 12.15 p.m.